



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, January 12, 2004, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Jim Caudle
Councilman Peter Pacheco
Councilman Rob Youngs

Absent:

Councilman Eric Elza

Also Present:

City Manager James R. Borgmann
City Attorney Jan K. Seiden
Finance Director Charles G. Marshall
City Planner Richard E. Ventura
Public Services Director Denise Yoezle
Police Captain Pete Baan
City Clerk Magalí Valls

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificate of Sincere Appreciation to Lieutenant Ralph Rodriguez for Twenty-Nine Years of Service to the City of Miami Springs Police Department

Mayor Bain presented a Certificate of Sincere Appreciation to Lieutenant Ralph Rodriguez for his twenty-nine years of service to the City in the Police Department.

Lieutenant Rodriguez expressed his appreciation to the City of Miami Springs and his fellow Police Department employees. He introduced his wife and family members.

City Manager James R. Borgmann presented a silver bowl to Lieutenant Rodriguez in appreciation of his employment with the City of Miami Springs from February 4, 1974 to December 31, 2003.

Vice Mayor Caudle stated that he worked with Ralph Rodriguez years ago at the Recreation Department, and that he is a great person.

3B) Introduction of New Police Officers and Newly Promoted Lieutenant and Sergeant

Police Captain Pete Baan introduced Randall J. Walker, and John M. Mulla who were recently promoted to Lieutenant and Sergeant respectively. Captain Baan also introduced newly hired Officers Jorge E. Irizarry, Ramon A. Tamargo and Ronald A. Baker.

Captain Baan recognized Lieutenant Ralph Rodriguez for being a tremendous asset to the Miami Springs Police Department. He said that Lieutenant Rodriguez would be missed as a police officer and friend.

3C) Presentation by City Manager James R. Borgmann Regarding Open Forum

City Manager James R. Borgmann deferred his presentation regarding Open Forum to the January 26, 2004 meeting.

4. Open Forum:

Miami Springs Senior High School Classrooms

Douglas Rodriguez, Principal of Miami Springs Senior High School, stated that he spends more hours at the High School than he does at his own home, and that he is speaking for himself and not on behalf of Miami-Dade County Public Schools. Recently there has been much discussion regarding the addition of student stations at the High School, and the subject has been publicized and discussed at length over the last two years.

Mr. Rodriguez said that at the time Miami Springs Senior High School went to double shifts, the school had more than 4,200 students. When he was appointed Principal 1-1/2 years ago, the school was at 3,850 students, and currently the student population has dropped to 3,402 students. He has made a serious effort to make sure the students who attend Miami Springs Senior High School actually live within the Miami

Springs feeder district. In addition, some students were transferred to the Doral Charter School, and the new Doral High School is scheduled to open within the next three years.

Mr. Rodriguez explained that he is not asking for a \$25MM addition to the High School to house an additional 1,500 students, or for an addition to replace the portables. He asked Council to consider the placement of “concreteables”, which are tilt-up buildings that would house students that currently attend class in open classrooms and offices.

Mr. Rodriguez explained that some classrooms only have partitioned walls, and the students miss an average of thirty hours per class, each year due to the reduced class time with the split shifts. He said that when the Class of 2005 graduates, they will have missed 120 school days, and considering there are only 180 days in a school year, this is a substantial loss of time.

Mr. Rodriguez stated that his goal is to return to one shift, for the students to attend a regular school day, and not to bring in another 300 to 400 students. He is only requesting that Council pursue the idea of concrete tilt-ups that would accommodate the students, and allow them to attend class in a comfortable situation that is conducive to the learning environment that the children deserve.

Mr. Rodriguez said that he is simply asking for the means to explore the idea to give the kids the type of classrooms that they deserve, and to give the time back that they continue to lose each year.

Recognition to Former Councilwoman Marcia H. Fulton

Michael Gavila of 684 Morningside Drive stated that former Councilwoman Marcia Fulton should receive an award for what she did to bring the students who attended Lorah Park Elementary back to Springview Elementary School.

Golf and Country Club Pancake Breakfast

Former Mayor J. C. “Chet” Fields of 372 Minola Drive stated that he and the Rhodes Brothers are planning to have a free pancake breakfast at the Miami Springs Golf and Country Club in order to promote the facility, and that local business owners would contribute the food and supplies. He invited the current and former Council members to attend the first breakfast, which would be held on Saturday, January 31, 2004, from 9:00 a.m. to 12:00 p.m.

Annexation

Peter Gresh of 437 Lark Avenue urged Council to cut back on expenses in order to save money to the taxpayers. He was of the opinion that not enough research has been done regarding annexation. He requested a copy of the financial analysis for the annexation areas.

Councilman Youngs informed Mr. Gresh that he would be glad to answer his questions after the meeting,

and that a complete feasibility study for the proposed annexation area has been available to the public for several months.

Department Head Salaries

Mr. Gresh was of the opinion that the City could save money by eliminating the Assistant Department Head positions, and reducing the Department Head's salaries.

Miami Springs Senior High School

Joanne Koski of 192 Pinecrest Drive referred to the letter that she wrote regarding the need to improve Miami Springs Senior High School. She urged Council to consider the proposal presented by Principal Douglas Rodriguez to improve the student classrooms and educational standards at the school.

Special Kids Golf Course

Elaine Riedinger of 991 Hunting Lodge Drive said that her property is twenty-yards from the proposed handicapped golf course and that she and her neighbors were not notified of the construction. She was concerned about the location of the course, which is in close proximity to the homes, and the future operational costs, maintenance, parking and security.

City Manager James R. Borgmann advised Ms. Riedinger that a presentation would be made later during the meeting with maps and photographs of the handicapped golf course. He explained that a 501-c-3 non-profit corporation would be formed under the leadership of Golf Course Manager Dan Bradley, and the corporation would raise funds for maintenance and operational costs.

Mr. Borgmann said that he was not aware of any alternative locations for the course, but that he would check into the matter. He agreed to send invitations to the surrounding residents to attend the next kick-off meeting.

Ms. Riedinger reiterated her concern about the traffic that the proposed activity would generate.

Vice Mayor Caudle agreed that Ms. Riedinger and her neighbors should have been notified about the proposed Special Kids Golf Course.

Miami Springs Senior High School

Norman Anderson of 887 Heron Avenue opposed Principal Douglas Rodriguez' proposal to build concrete portables at Miami Springs Senior High School. He said that the City of Miami Springs has a population of 13,867, while the City of Hialeah has a population of 237,000, and each city only has one high school.

Mr. Anderson suggested supporting Principal Rodriguez by putting pressure on the School Board to remodel Miami Springs Senior High School and to build a new school in the City of Hialeah.

Miami Springs Senior High School

Bob Williams of 192 Pinecrest Drive emphasized the importance of Council taking action to either support the plan presented by Principal Douglas Rodriguez, or to come up with another plan of action to solve the problem at the High School, and to ensure the quantity and quality of education that the children receive.

Councilman Youngs inquired if there was Council consensus regarding Principal Douglas Rodriguez' proposal, in which case it could be referred to the Education Advisory Board with specific guidelines. He pointed out that there are many issues to consider, including funding, location, and the size of the facility. He said that the items could be discussed now, or as an agenda item at the next meeting.

Vice Mayor Caudle stated that there is nothing more important than education, and that he would like more information about Principal Rodriguez' proposal. He felt that the City Council could only make recommendations to the School Board, because they have the power to do anything they want. He said that he was happy when the high school was built in Miami Springs, but it is a county facility that has been destroyed by the overcrowded condition, and he questioned whether the School Board could be trusted to build an addition, and not bring in more students.

Councilman Pacheco felt that the proposal for the High School should be scheduled as an agenda item for the next Regular Council meeting, and he offered to meet with Principal Douglas Rodriguez. He said that he recently addressed the evening graduation class and the condition of the school demands funding from the School Board to refurbish the building.

Council agreed to schedule the proposal for Miami Springs Senior High School as an agenda item for the January 26, 2004 meeting.

Councilman Youngs said that funding is the main issue and the critical problem is that the High School is overcrowded. He explained that after many years, a high school in Doral is finally being constructed, and the School Board agrees that another school is needed in South Hialeah based upon the population, but this is not happening. Councilman Youngs said that now there is \$25MM allocated for new construction, and the long-term solution is to build another school in Hialeah.

Councilman Youngs explained that if there was a short-term solution to eliminate the need for the double shifts that would not sacrifice the long-term goal of overcrowding relief, that would be something to consider, but everything that has been proposed by the School System has been to take funds away from the additional school in Hialeah.

Councilman Youngs said that in the best interest of the Miami Springs' students, and the majority of the students that are from South Hialeah, Council should not lose sight of the long-term goal, which is the construction of a school in South Hialeah.

5. Approval of Council Minutes:

(Agenda items 5A, 5B and 5C were approved simultaneously)

5A) 11/10/2003 – Regular Meeting

Minutes of the November 10, 2003 Regular Meeting were approved as written.

Vice Mayor Caudle moved to approve and Councilman Youngs offered the second. On roll call vote, the motion carried unanimously.

5B) 11/24/2003 – Regular Meeting

Minutes of the November 24, 2003 Regular Meeting were approved as written.

Vice Mayor Caudle moved to approve and Councilman Youngs offered the second. On roll call vote, the motion carried unanimously.

5C) 12/08/2003 – Regular Meeting

Minutes of the December 8, 2003 Regular Meeting were approved as written.

Vice Mayor Caudle moved to approve and Councilman Youngs offered the second. On roll call vote, the motion carried unanimously.

6. Reports from Boards & Commissions:

6A) 09/24/2003 – Board of Appeals – Minutes

Minutes of the September 24, 2003 Board of Appeals meeting were received for information without comment.

6B) 10/28/2003 – Ecology Board - Minutes

Minutes of the October 28, 2003 Ecology Board meeting were received for information without comment.

6C) 11/06/2003 – General Employees Retirement System – Minutes

Minutes of the November 6, 2003 General Employees Retirement System meeting were received for information without comment.

6D) 11/06/2003 – Police and Firefighters Retirement System – Minutes

Minutes of the November 6, 2003 Police and Firefighters Retirement System meeting were received for information without comment.

6E) 11/13/2003 – Board of Parks and Parkways – Minutes

Minutes of the November 13, 2003 Board of Parks and Parkways meeting were received for information without comment.

6F) 11/20/2003 – Historic Preservation Board – Minutes

Minutes of the November 20, 2003 Historic Preservation Board meeting were received for information without comment.

6G) 12/09/2003 – Recreation Commission – Cancellation Notice

Cancellation Notice of the December 9, 2003 Recreation Commission meeting was received for information without comment.

6H) 12/11/2003 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the December 11, 2003 Board of Parks and Parkways meeting was received for information without comment.

6I) 12/23/2003 – Ecology Board – Cancellation Notice

Cancellation Notice of the December 23, 2003 Ecology Board meeting was received for information without comment.

6J) 12/31/2003 – Board of Appeals – Cancellation Notice

Cancellation Notice of the December 31, 2003 Board of Appeals meeting was received for information without comment.

6K) 01/06/2004 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the January 6, 2004 Code Enforcement Board meeting was received for information without comment.

6L) 01/07/2004 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the January 7, 2004 Zoning and Planning Board meeting was received for information without comment.

6M) 01/07/2004 – Board of Adjustment – Approval of Actions Taken at their Meeting of January 7, 2004, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of January 7, 2004 were approved subject to the 10-day appeal period.

Councilman Pacheco moved to approve the actions taken by the Board of Adjustment, subject to the 10-day appeal period. Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

7. Public Hearings:

None.

8. Consent Agenda: (All consent agenda items were simultaneously approved)

8A) Approval of the City Attorney's Invoice for December 2003 in the Amount of \$7,843.00

There was no discussion regarding this item.

Councilman Youngs moved to approve the items on the consent agenda, and Vice Mayor Caudle seconded the motion. On roll call vote, the motion was unanimously carried.

8B) Recommendation that Council Approve an Expenditure of \$35,020.00, for an "eForms Computer Software Upgrade" to USA Software, as a Sole Source Vendor, to Purchase a Computer Software Program for the Purpose of Increasing Efficiency of the Current System and Bring Further Automation to Records Management, As Provided for in §31.11 (E) (6) (c) of the City Code, Utilizing Law Enforcement Trust Funds

There was no discussion regarding this item.

Councilman Youngs moved to approve the items on the consent agenda, and Vice Mayor Caudle seconded the motion. On roll call vote, the motion was unanimously carried.

8C) Recommendation that Council Approve an Expenditure of \$157,187.00 for a "Mobile Data Terminal System" to Various Vendors, for the Purpose of Activating Mobile Data Terminals in Police Vehicles, as Provided for in Section 31.11 (E) (5) (b) of the City Code, Utilizing Law Enforcement Trust Funds

There was no discussion regarding this item.

Councilman Youngs moved to approve the items on the consent agenda, and Vice Mayor Caudle seconded the motion. On roll call vote, the motion was unanimously carried.

9. Old Business:

9A) Appointment to the Golf and Country Club Advisory Board by Councilman Youngs (Group IV) for a Full 2-year Term Ending on July 31, 2005 (Deferred: 12/8/2003)

Councilman Youngs (Group IV) **deferred** his appointment to the Golf and Country Club Advisory Board.

9B) Proposed Charter Amendments Regarding the Miami Springs Golf and Country Club Property, the Westward Drive Median, the Curtiss Parkway Circle and Terms of Office for Elected Officials of the City

City Attorney Jan K. Seiden stated that he was assigned the task of drafting and presenting the Charter Amendment questions at this meeting, and he distributed copies last week to allow an opportunity for Council's review and comment.

Attorney Seiden said that the first Charter amendment deals with the sale of the Golf Course and restricts the sale of the property to a vote of the people. It also deals with the Golf Course otherwise being conveyed, sold or leased for a period in excess of five years.

Attorney Seiden referred to a letter that was submitted to Council from Martin Marquez, who made a couple of suggestions. He explained that Mr. Marquez inserted the word "rezoned" and also that the property shall not be leased for "any single" period in excess of five years, which he has no objection to.

Attorney Seiden advised Council that they could change the time period of five years, depending upon what they feel is appropriate. The idea and intent is to provide the restriction that the citizens would have to vote on the disposition of the property either by sale, rezoning, lease, etc. He added that Council would not have to make a final decision at this time because the Charter amendments would not be placed on the ballot until the next Municipal Election in April 2005.

Attorney Seiden explained that question number two states that there shall be no reconfiguration or redesign of the median, traffic lanes, existing parking and or sidewalks on Westward Drive without first being approved and authorized by an election of the voters. He added a sentence that provides that general maintenance, replacement and repair of any of the aforesaid areas, or any of the related infrastructure shall be exempt from the election process.

Attorney Seiden stated that question number three is identical, except that it deals with the Curtiss Parkway Circle area. He added that the County controls this area since it is a County roadway, and this provision would mean that if the County notified the City of a change they wanted to make, then the City could not give approval until it is taken to a vote of the people.

To answer Councilman Pacheco's question, Attorney Seiden explained that although the County owns roads, their policy is to let the municipalities make the decisions as long as they do not impact their traffic flow. He said that the County has always been cooperative with the City over the years in regard to the Downtown infrastructure and other matters.

Vice Mayor Caudle commented that he was not sure if the traffic lanes should be included because they are not permanent structures.

Police Captain Pete Baan advised Council that the Police Department is trying to improve the Circle with additional signage and lane markings, and it would not involve any major construction. To his knowledge, they have not changed any lane markings on the Circle, although it was repaved. He felt the Charter amendment could drastically restrict the City for improvements that might not be very expensive, similar to the lane changes that were made at the Middle School on South Royal Poinciana Boulevard.

To answer Councilman Youngs' question, Captain Baan suggested including a cost. He felt that if improvements could be made through grant funds, and not cost money to the taxpayers, there should be no objection.

Councilman Youngs said that the purpose of the Charter amendment is that there shall be no permanent reconfiguration or redesign regardless of cost. He said that if the Police Department determined it is better for safety to change the lane configuration that would constitute a permanent redesign.

Captain Baan stated that the Circle is a very unique intersection, and that there is no other intersection like it in South Florida. The engineers and professionals are the people who solve the traffic problems, and the City should be more concerned with the safety of the pedestrians and motorists, and not aesthetic details. Captain Baan felt that a vote could slow down the process, and might even stop the process, especially when grant funds are concerned.

Captain Baan explained that the main issue is to move traffic expeditiously through the Circle, and the second concern is to improve the safety factor to eliminate or reduce accidents. He felt that there are designs that could help the situation, although the traffic problem would not be resolved with the current capacity, and the only way to resolve it would be to reduce the amount of traffic flowing into the Circle. He added that the Okeechobee Road improvements might help.

To answer Councilman Pacheco's question, Captain Baan said that at certain times there are traffic problems at the Circle, especially southbound from the Circle to Curtiss Parkway.

Councilman Pacheco said that he would like more events at the Circle, and the biggest problem is that pedestrians cannot cross the street.

Councilman Youngs felt that Council must consider whether the language captured what the citizens wanted, which was to have control over major changes, or whether the language is too restrictive.

Attorney Seiden stated that the language is meant to be restrictive, and he wrote it based upon what he heard during the meeting. He added that the public reacted to the Dover Kohl studies, and what was proposed for reconfiguring the Downtown Circle area.

Vice Mayor Caudle reiterated that he could not understand why the people should have to vote for changing the lines around the Circle. He said that he wants the Circle to remain the way it is, and he voted against wider sidewalks and one lane on Westward Drive, but the lines around the Circle are not permanent, and they are only a means of controlling the flow of traffic.

Discussion ensued regarding whether traffic reconfiguration is a permanent improvement.

Attorney Seiden said that there is no question about the term limits and the restriction on the sale of City property being included in the Charter provision, but it is very unusual for infrastructure and roadway improvements to be included.

Council **directed** the Administration to publicize the proposed Charter amendment questions to keep the residents informed and to receive input and comments.

10. New Business:

10A) Recommendation for Award to Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) for Construction Management Services for the Canal Street Municipal Parking Lot Project in the Amount of \$15,000.00

City Manager James R. Borgmann stated that this is a recommendation to approve the construction management services for the existing municipal lot between Canal Street and the Farm Stores.

Councilman Youngs moved to approve and Councilman Pacheco offered the second. On roll call vote the motion was unanimously carried.

10B) Resolution – A Resolution of The City Council of the City of Miami Springs Urging Members of the Florida Legislature to Support Municipal Issues During the 2004 Legislative Session

City Manager James R. Borgmann stated that the City is a member of the Florida League of Cities, and from time to time, the League takes a position on certain issues that they want the State Legislature to support. He explained that sometimes the issues do not pertain to the City of Miami Springs, and other times they are very intricate to the City operations, but it is standard practice that all municipalities back the League on their positions because someday Miami Springs might need the support of other cities.

Mr. Borgmann explained that Council is being asked to pass a resolution supporting the Florida League of Cities' legislative package.

City Attorney Jan K. Seiden read the resolution by title, and summarized the five major points outlined in the

resolution.

Councilman Youngs was concerned about the modification of the distribution formula for revenues transferred from the Half-cent Sales Tax Program, and whether that would help or hurt Miami Springs. He suggested that Council should ask for an answer before passing the resolution supporting the legislation.

Attorney Seiden explained that the Administration could certainly call for more information, and the resolution could be placed on the next agenda.

Councilman Youngs stated that, from his experience, most of the legislation that the Florida League of Cities proposes is very favorable to small cities. He said that he would be surprised if the modification of the distribution formula for revenues transferred from the half-cent sales tax would work against the small cities, but this is something Council should know first.

Council tabled this item pending more information.

10C) Appointment to the Historic Preservation Board by Mayor Bain for a Full Three-year Term Ending on January 31, 2007

Attorney Seiden stated that the City Code of Ordinances require that after certain Board members have served the amount of term limits that they are permitted to serve under the ordinance, that Council must approve the extension.

Mayor Bain **reappointed** Sydney Garton to the Historic Preservation Board for a full 3-year term ending on January 31, 2007.

Councilman Youngs moved to confirm the appointment of Sydney Garton to the Historic Preservation Board, exceeding the term limit. Councilman Pacheco seconded the motion, which carried 4-0 on roll call vote.

10D) Appointment to the Historic Preservation Board by Councilman Youngs (Group IV) for a Full Three-year Term Ending on January 31, 2007

Councilman Youngs (Group IV) **deferred** his appointment to the Historic Preservation Board.

Councilman Youngs explained that he is inclined to reappoint Mary Ann Goodlett-Taylor, but that he wanted to speak with her first.

10E) Recommendation that Council Award an Expenditure of, not to Exceed \$20,000.00 to the Florida International University (FIU) Metropolitan Center to Assist City Staff with the Preparation, Completion and Submission of Miami Springs' Evaluation and Appraisal Report, as

Required by F.S. 163.3191

City Manager James R. Borgmann stated that this is a recommendation that Council award an expenditure of, not to exceed \$20,000.00 to the Florida International University (FIU) Metropolitan Center to assist City Staff with the preparation, completion and submission of Miami Springs' Evaluation and Appraisal Report, as required by Florida State Statutes §163.3191.

Mr. Borgmann explained that the State requires an evaluation of the Comprehensive Land Plan in order to see how well the City is implementing the plan. He stated that Robert K. Swarthout, Inc. prepared the last report in 1995, for a fee of \$20,000.00, and now the Administration is recommending that the contract be awarded to FIU.

Mr. Borgmann added that the actual report is not due until May 1, 2005, but they would like to get an early start to avoid missing the deadline.

City Planner Richard Ventura stated that the requirement for the report is almost like an audit that is conducted by the State of Florida Department of Community Affairs of the effectiveness of the implementation of the City's Comprehensive Plan. He said that FIU recently completed the Evaluation and Appraisal Report for the City of West Miami, and it is better to involve a third party to provide an objective review.

Mr. Ventura explained that it is optimal to have an outside person examine the goals, policies and objectives that were set when the Comprehensive Plan was adopted in October 1998, and to see how well the City has achieved those objectives. In addition, he made an inquiry to Post, Buckley, Schuh and Jernigan, Inc. about the possibility of performing this service, and they could not meet the \$20,000 figure quoted by FIU. He also approached Florida Atlantic University, and they did not have the time or resources to accept the contract; therefore, he is recommending FIU Metropolitan Center.

Mr. Ventura emphasized that \$20,000 is a very low offer, and this price is possible because he would actively participate in the work process. He said that he would meet with Dr. Ned Murray of the FIU Metropolitan Center to divide the tasks in order to complete the report, and meet the State requirements.

Councilman Pacheco was concerned that the City Planner had not yet agreed to which tasks he would take on, because he is already involved in certain projects, as well as performing his regular duties. He explained there is nothing in writing as to what additional tasks would be the City Planner's responsibility.

Mr. Ventura stated that he has so many responsibilities at this time that he would welcome any help he could get.

City Attorney Jan K. Seiden said that he was not sure if FIU should begin right away, because if he was

doing the evaluation of the Comprehensive Plan, the City might not score very high right now. He suggested that the City should first implement the district boundary regulations, and other requirements in the next few months before evaluating the Plan.

Attorney Seiden commented that another good point about utilizing the services of FIU would be that they could probably make recommendations for modifications or amendments in the Plan that have not been implemented, and make them more implementation friendly. He agreed with Councilman Pacheco that there must be a more defined scope of work before Council authorizes the expenditure.

Councilman Youngs suggested that Council could give the Administration the authority to engage the services of FIU, and that would not mean the City would have to enter into a contract at this time. He explained that when the tasks are divided, the City Planner might find out that the \$20,000 only covers the minimal tasks that would not help him with his workload.

Councilman Youngs felt that before entering into the agreement, the City Planner should make certain that he is comfortable with the division of authority.

Attorney Seiden suggested that Council could approve the expenditure, subject to a contract and the proper division of the scope of services that would be approved by Council. He explained that this would allow the City Planner the authority to move forward initially, and to back out if they cannot agree upon the division of authority or any other contract term. He added that Council could bring the matter back for final approval on the next agenda.

Councilman Youngs moved to approve the award, subject to a contract and the proper division of the scope of services, which would come back to Council for final approval. Councilman Pacheco seconded the motion.

In discussion, Councilman Pacheco said that the City Attorney raised a good point, and this might not be the best time to prepare the report. He asked whether or not there is a time limit on the contract.

Mr. Borgmann stated that the duration of the contract would be negotiated.

Attorney Seiden said the contract could be made effective two or three months from now.

Mr. Borgmann referred to the Scope of Services provided in the agenda packet, including the duration to be negotiated and the amount. He said that all the issues are laid out, and it would only be a question of how much time the City Planner would have to oversee the process.

Councilman Pacheco said that perhaps the question to be answered is what tasks the City Planner would be responsible for in addition to the Scope of Services.

On roll call vote, the motion was unanimously carried.

11. Golf Course Items:

11A) Request that Council Direct Staff to Draft a Use Agreement for Special Kids Golf Course

City Manager James R. Borgmann stated that Golf Course Manager Dan Bradley is requesting that Council direct Staff to draft a use agreement for the Special Kids Golf Course. He explained that before entering into any agreement there would be additional input, and the 501-c-3 corporation would be in existence with assurances that future funding would be a factor of their ability to raise funds each year, as a Foundation, for the purpose of maintaining, staffing, etc.

Mr. Borgmann said that there are a multitude of issues, including time, and access to the location. He explained that he and the City Attorney have had several discussions about this issue, and the agreement cannot be signed until the 501-c-3 corporation is formed, and the concerns of the residents are addressed.

Councilman Pacheco stated that the City currently maintains the area that is proposed for the Special Kids Golf Course, and it was an oversight that the surrounding residents were not notified or invited to the kick-off event last week. He said that all kinds of talk circulated about the proposed plan because it would affect the neighbors, and Council should take their concerns into consideration.

Golf Course Manager Dan Bradley was of the opinion that the Council agenda for this meeting would have triggered the notification process, because until now the proposed Special Kids Golf Course was only an idea, and tonight he is presenting the original survey of the piece of land.

Mr. Dan Bradley stated that the piece of land is 3.1 acres to the west of the existing driving range behind Hunting Lodge Drive, which is currently maintained with funds from the existing Golf Course budget. The southern terminus of the land is eighty-two feet from any property lines of the residents on Hunting Lodge Drive, according to the survey.

Mr. Bradley explained that the Special Kids Golf Course would be the first and only golf course in the United States that is built specifically for the use of mentally and physically challenged children. He said that the course allows a unique experience for them, and the first session was held on Friday January 9, 2004.

Mr. Bradley said that the area is unique as water is available for irrigation, and it has access. He explained that as far as traffic is concerned, there would only be one or two school buses per day that would access the area along the bridle path, and park for no more than 1-1/2 hour. Mr. Bradley said that there would be no cars going in or out of the area.

Mr. Bradley stated that currently the land is composed of grass, weeds, and various types of trash grass that extends down to the edge of the existing pond, and when the course is finished, the area would consist of 3.1 acres of golf course quality Bermuda grass, which is cut and maintained the same as the existing Golf Course. He explained that the pond in its current state is overgrown with weeds three to four feet high and nuisance trees that are fifteen to twenty feet high, and when the golf course is finished, the pond would be trimmed to the edge of the water, cleaned out, and surrounded by a split rail fence, which would enhance the view from the residents' backyards.

Due to the nature of the kids and their abilities, there would be no elevated greens according to Mr. Bradley. He said that the area would consist of a practice green, a practice tee, and three holes of 75-yards, 45-yards, and 150-yards. The kids would access each hole along a hidden concrete path and actually be able to play three holes of golf. Mr. Bradley explained that plans for a reception center building were changed, and they are now proposing a small open air pavilion in the existing trees on the east side of the pond, with a handicap accessible fishing dock.

Mr. Bradley said that funding is available to build and operate the handicapped golf course for a minimum of four years, and at the end of that time, if the 501-c-3 Children's Golf Foundation does not exist, the City would be left with a maintained park with an open air pavilion.

Mr. Bradley stated that in the evening, the security concerns should not be different than they are now, the maintained area would be easier to patrol, and there would not be any evening activities.

Mr. Bradley said that the children would be supervised by Special Education teachers, and last week's session was attended by nineteen students from Miami Springs Senior High School. He added that students from the Miami Senior High School Special Education class would attend the next session in two weeks, and tomorrow a meeting is scheduled at North Miami Beach High School with the Special Education Directors of twenty-six high schools that have an interest in the program.

Mr. Bradley offered to show a video of the kick-off event that was taped by Comcast. He explained that the Batchelor Foundation, The First Tee, and the USGA donated the funds to build and operate the facility, contingent upon the use agreement, and the IRS 501-c-3 designation for a tax-exempt charity. The estimated cost for construction and operation is \$1MM, and it would be a first class facility that would not cost the City anything, according to Mr. Bradley.

Councilman Pacheco asked how the concrete paths would be hidden.

Mr. Bradley responded that there would be an eleven-inch rise on the outside of the path, which would block the view from the backyards of the homes on Hunting Lodge Drive.

Councilman Pacheco stated that there are concerns about the buses using the bridle path, which is basically dirt, and that dust would circulate. He asked if there is any future consideration for placing asphalt.

Mr. Bradley said that the bridle path property is not part of the land they are asking to use, and it would be a City decision to install asphalt.

Mayor Bain asked the Administration to look into possible funding.

Councilman Youngs mentioned that the homeowners along Hunting Lodge Drive purchased the bridle path from the Curtiss Bright Company up to twenty-feet. He said that the line where the fences are now include the bridle path, and what Mr. Bradley is calling the bridle path is actually an alley on the Golf Course.

Councilman Youngs asked Mr. Bradley at what point would the Council review the Articles of Incorporation for the charitable organization, and the By-laws showing the selection of the Board of Directors, what their duties are, and how long they serve. He wondered what influence the City would have in that organization, and at what point Council would approve the legal structuring.

Mr. Bradley responded that the By-laws and Articles of Incorporation are complete. He advised Council that the Board of Directors consists of Dr. Karen Williams, Attorney Mindy McNichols, Tamara Thomas, who has a Masters in Vocational Rehabilitation, Lori Andre, Golf Pro Dick McNeill, Tappy Rosson, and himself.

Councilman Youngs said that before approving a lease, the City Council would look at the entire operation, and the City Manager agreed.

Mr. Bradley added that a 501-c-3 designation would be complete in approximately three to four weeks, and the entire package would come to Council for approval. The use agreement would be between the City of Miami Springs, and the Children's Golf Foundation of Miami Springs, Inc.

Councilman Youngs asked how the relationship of the Children's Golf Foundation of Miami Springs, Inc. would relate to the City or the City Council.

Mr. Bradley stated that the relationship between the Foundation and the City would only be as a party to the Use Agreement from the City of Miami Springs, and it is a self-funded organization. He explained that the City would have control over the use of the land, but not the corporation or the Board of Directors.

Councilman Pacheco said that he and Mayor Bain attended the kick-off event and that it was a tremendous sight to see how happy the kids were when they were able to hit the golf balls. He felt that the reception from the Miami-Dade County Schools was unbelievable.

Mayor Bain added that the kids were thrilled to ride in the golf cart.

Mr. Bradley wanted to assure the residents that there would never be any unsupervised children that would use the facility and they would always be accompanied by the teachers and staff.

Mayor Bain commented that the Miami Springs Senior High School students behaved very well at the kick-off event.

Mr. Bradley said that normally the school buses do not park at the facility during the program, and last week the students were dropped off, the school bus left, and the driver came back to pick them up.

To answer Councilman Pacheco's question, Mr. Bradley explained that there would have to be sufficient staff available for supervision, and a certain time would be designated for the junior kids to use the area. He said that for a number of reasons, including safety and maintenance, that the area could not be used by a group of kids without supervision. Mr. Bradley stated that the idea is to have a place to introduce and teach golf, not to have a place for free play.

City Attorney Jan K. Seiden said that, unknowingly, they would be creating an attractive nuisance situation. Councilman Pacheco expressed his concern about the use of the fishing dock at all times during the day.

Mr. Bradley explained that currently there is nothing to prevent anyone from fishing at the pond, and the dock would have a locked gate for safety purposes.

To answer the City Attorney's question, Mr. Bradley said that a contractor had not been selected, that he would probably do most of the work himself, and that he would contract out the irrigation work. He explained that the construction would involve killing the weeds and replanting Bermuda grass with slight elevations to indicate the greens.

Vice Mayor Caudle relayed his work experience with the mentally and physically challenged during his career with Miami-Dade County, including his involvement in the first State of Florida Special Olympics event. He said the experience was very rewarding, and he would like to request a long-term lease in order to protect the Special Kids Golf Course. He was concerned that the City would be open to more liability because of the fishing dock.

Mr. Bradley stated that the Foundation would also carry liability insurance with a Home Harmless agreement.

Vice Mayor Caudle asked Mr. Bradley what he considered a long-term agreement.

Mr. Bradley said that it would be up to Council to make the decision about the term of the agreement, and he would suggest ten, twenty, or thirty years, with renewal clauses.

To answer Vice Mayor Caudle's question, Mr. Bradley stated that as the President of the Foundation, he would be the person who deals with the City.

Vice Mayor Caudle asked if it would be a conflict of interest for Mr. Bradley since he is also under contract

with the City. He asked the City Attorney to address the lease agreement because the citizens want to vote on whether or not to lease the Golf Course.

Attorney Seiden stated that the citizens have not yet voted.

Councilman Youngs said that although the citizens had not voted on the Charter amendment, the intent of the citizens is clear.

Attorney Seiden said that Mr. Bradley has received funding for four years, it is really a lease agreement, and if the City of Miami objects, he would address the matter in court. He said that for the protection of the City and the Foundation, funding should be tied to usage, and if there is funding for five years, the agreement could be for five years. Attorney Seiden added that the Charter amendment question includes a five-year limit, and to go beyond that amount of time, would go beyond the intent.

Mr. Bradley clarified that the intention is not to lease the golf course for private benefit or profit by an individual entrepreneur.

Councilman Youngs suggested that Council could give direction to prepare a use agreement or lease. He said that he would like to review the Articles of Incorporation and the By-laws for the Foundation. Councilman Youngs added that the term of the lease and independence of the charity from the City are issues for consideration.

Attorney Seiden stated that it is a good idea that the Foundation is independent from the City. Regarding the question about a conflict of interest for Mr. Bradley, he said that he would like to consider this issue, but was inclined to say that if his involvement with the Foundation does not impact his other function as Golf Course Manager, it might not be a problem.

Attorney Seiden added that Council must address the time frame, the extent of the construction work, the selection of the contractor, and how the work would be supervised. He felt that access would be an issue.

Mr. Bradley showed Council another means of access to the property besides the dirt road behind the homes.

To answer Vice Mayor Caudle's questions, Mr. Bradley said that should the Foundation dissolve, that all physical assets located on the property would revert back to the City. He said that the operating budget includes a separate and distinct account for maintenance, equipment, and staffing, with no cost to the City. Mr. Bradley added that the budget includes funding for three pieces of maintenance equipment that would be located in the maintenance yard, and the irrigation system would be hooked up to the existing well, with its own pump, and separate electric meter.

Vice Mayor Caudle asked Mr. Bradley if his involvement with the Foundation would be over and above his normal duties as Golf Course Manager.

Mr. Bradley responded affirmatively. He said that other than the design and construction, that he would have a full-time staff and volunteers to run the operation, although he might be involved in fundraising from time-to-time.

Mr. Bradley said that the budget includes a full-time administrative position for the Children's Golf Foundation, and the staff is all volunteer labor. He said that he and Larry Weber would donate time to the initial construction and design, but after that point, there would be a maintenance foreman and full-time administrator.

Mr. Borgmann pointed out that Mr. Bradley might have to spend some time during the course of his normal working hours with the Foundation, but this time would be made up.

Mr. Bradley assured Council that his involvement with the Children's Golf Foundation would not interfere with his current duties as President of DJB Management, Inc.

To answer Vice Mayor Caudle's question, Mr. Bradley said that the instructors are local PGA professionals who would volunteer their time, and the paid administrator is Donna Wood-Beney, who formerly held the same position for Curtiss Mansion, Inc.

Councilman Youngs asked Mr. Bradley if he could provide the information in writing.

Mr. Borgmann offered to provide copies of the information that was submitted by Dan Bradley.

Councilman Youngs explained that Council is encouraging the project, but their duty is to carefully review the information before approving the use agreement, and he would like a copy as soon as possible.

Councilman Youngs also requested that Mr. Bradley schedule a meeting with the homeowners on Hunting Lodge Drive adjacent to the Special Kids Golf Course to brief them on the project.

Mr. Bradley said that the next program is scheduled for January 30, 2004, at 9:30 a.m., and the residents would be notified to attend in order to receive more information about the facility.

Mr. Borgmann added that if some of the homeowners were not available during the daytime, that they would be glad to schedule another meeting.

Councilman Youngs agreed it would be a good idea to have two meetings, one during the day and one in the evening.

Vice Mayor Caudle offered to volunteer his services in any way possible.

Councilman Youngs asked Mr. Bradley to send notification to the residents along Hunting Lodge Drive.

Mr. Bradley stated that this is only a request for authorization to draft the agreement, and once the paperwork is in place and approved by Council, the plans are to begin construction in April, and complete the project in September 2004.

Vice Mayor Caudle moved to direct the City Attorney to draft an agreement for Council approval and discussion. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.

11B) Recommendation that Council Waive the Competitive Bid Process as Provided by Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$93,817.50 (9-month period) to Sysco Food Services, for Miscellaneous Foods on an “as needed” Basis

City Manager James R. Borgmann stated that the next four agenda items are requests for purchase agreements for various Country Club activities.

Mr. Borgmann read the title of the award to Sysco Food Services for miscellaneous foods on an “as needed” basis for the nine-month period ending September 30, 2004.

Vice Mayor Caudle asked Food and Beverage Manager Ed Rhodes when was the last time he checked prices with three potential vendors, other than Sysco Food Services.

Ed Rhodes stated that they compared prices with different companies including Cheney Foods and Costco.

Finance Director Charles G. Marshall said that John Rhodes obtains a price list from four or five vendors every week, and the orders are placed based on the lowest price and best quality.

Mr. Borgmann added that Mr. Rhodes is comparing prices with different vendors on various items with the main vendors.

Attorney Seiden explained that each year in October, Council approves expenditures, waiving the competitive bid process, not to exceed a certain amount on an “as needed” basis.

Mr. Marshall assured Council that the Food and Beverage Managers are comparing prices.

Councilman Youngs moved to waive the competitive bid process, and approve the expenditure to

Sysco Food Services, in an amount not to exceed \$93,817.50 on an “as needed” basis. Vice Mayor Caudle seconded the motion, which carried unanimously on roll call vote.

(Agenda Items 11C, 11D and 11E were approved simultaneously)

11C) Recommendation that Council Waive the Competitive Bid Process as Provided by Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$17,467.61 (9-month period) to Sysco Food Services, for Miscellaneous Supplies on an “as needed” Basis

City Manager James R. Borgmann read the title of the award.

Councilman Youngs moved to approve items 11C, 11D, and 11E, as proposed and Councilman Pacheco offered the second. The motion carried unanimously on roll call vote.

11D) Recommendation that Council Waive the Competitive Bid Process as Provided by Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$37,500.00 (9-month period) to U.S. Foods, for Miscellaneous Supplies on an “as needed” Basis

City Manager James R. Borgmann read the title of the award.

Councilman Youngs moved to approve items 11C, 11D, and 11E, as proposed and Councilman Pacheco offered the second. The motion carried unanimously on roll call vote.

11E) Recommendation that Council Waive the Competitive Bid Process as Provided by Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$11,250.00 (9-month period) to Cheney Brothers, for Miscellaneous Supplies on an “as needed” Basis

City Manager James R. Borgmann read the title of the award.

Councilman Youngs moved to approve items 11C, 11D, and 11E, as proposed and Councilman Pacheco offered the second. The motion carried unanimously on roll call vote.

12. Other Business:

12A) Request by the Rhodes Brothers to Hold a Carnival at the Country Club

City Manager James R. Borgmann stated that he received a request from the Rhodes Brothers to hold a carnival at the Country Club, and that they provided a contract with the proposed dates for the last weekend in February 2004, noting that similar carnivals have netted anywhere between \$47,000 to more than \$100,000.

Mr. Borgmann felt that because a carnival is not a Country Club related activity, that it would be best if Council considered and approved the request. The proceeds from the carnival would be used to replace carpet and other various items at the Country Club.

Food and Beverage Manager Ed Rhodes stated that he and his brother John had the desire to make the Miami Springs Country Club a revenue-generating center, but unfortunately they had not been successful. He felt that the Golf Course could have family events, like a carnival, and they discussed the idea with Mr. Borgmann.

Mr. Rhodes said that after much research, they found what they feel is one of the best carnival businesses, and there is an opportunity to net approximately \$100,000.00. He explained that the carnival would involve fundraising activities and civic organizations.

Mr. Rhodes explained that no advance money is paid to the carnival company, but that the company would collect 70% of the pre-sale tickets that are sold, while they would receive 30%. During the event, the Country Club would receive 80%, and the carnival company receives 20%. The advantage is that the Country Club would receive the profit from the food and beverage concessions.

Mr. Rhodes stated that the carnival would be a four-day event beginning on Thursday evening from 6:00 to 10:00 p.m., Friday and Saturday night from 6:00 to 11:00 p.m. or midnight, and Sunday from 3:00 to 9:00 p.m. He explained that discussions were held with the City Manager and Police Chief regarding parking and security issues.

Mr. Rhodes said that they would not contract with a second-class company because they want a first class operation that would represent the entire City, and bring revenue to the Country Club. He suggested that part of the profit could go to the Children's Golf Foundation charity.

Councilman Pacheco asked what is the proposed location for the carnival on the Golf Course.

Mr. Rhodes said that the area would be behind the Clubhouse on the north side of the Driving Range. The area would have sixteen rides, vendor booths, and parking for 300 cars.

Councilman Pacheco stated that he is familiar with the Blessed Trinity Catholic Church carnival event, and part of what makes it successful is the hours of operation.

Council viewed a short video presentation of the Mid America Shows Midway carnival event.

Vice Mayor Caudle asked who would audit the ticket sales before and during the carnival event, and determine the percentages.

Mr. Rhodes stated that Rhodes Brothers Miami would control the ticket sales and proceeds. He said that various civic groups would sell tickets, including the High School, and they would receive a certain percentage of the profit. Mr. Rhodes said that the cash would be totaled, a report would be prepared, and the amusement company would receive payment on a nightly basis.

To answer Councilman Pacheco's question, Mr. Rhodes said that volunteers would manage the ticket booths.

Councilman Pacheco asked how Mid America is related to Astar Entertainment.

Mr. Orlando Riera-Gomez of Astar Entertainment stated that all tickets are controlled with a beginning and ending number regardless of who sells them, and an audit is conducted at the end of each night. He explained that he contracted with Mid America Shows because they are the best company in the business.

To answer Vice Mayor Caudle's question, Mr. Riera-Gomez stated that he has a \$10MM liability insurance policy, and the City of Miami Springs is included as an additional insured.

Attorney Seiden said that the City of Miami Springs does not have a Home Harmless agreement.

In response to Councilman Pacheco's question, Mr. Riera-Gomez stated that he would take care of all the ride inspections, the portable restrooms, and the daily cleanup and disposal. As far as the planned hours of operation are concerned, he felt the set hours were the optimal hours for attendance and profit.

Vice Mayor Caudle said that if he lived in the neighborhood, that he would not approve of the 12:00 midnight closing time.

Councilman Youngs asked about the net return considering the amount of work involved.

Mr. Rhodes estimated that the carnival could net \$25,000 the first year, and in future years he hopes to generate \$200,000.

Councilman Youngs asked if there would be too much work involved for a profit of only \$20,000 to \$25,000.

Mr. Riera-Gomez explained that the carnival company performs all the work except for the police services.

To answer Councilman Youngs' question, Mr. Rhodes said that the estimated cost for three police officers each night would be \$1,650.00.

Captain Baan stated that Officer Danny Kelly and Lieutenant Randy Walker met with the Rhodes Brothers,

they projected the police service necessary for this event based on a Blessed Trinity type event, and they felt that three officers on site would be sufficient. He explained that since Mr. Rhodes mentioned that there might be a beer concession, this would be an additional consideration.

Mr. Borgmann said that the extra duty police officer schedule includes one officer for security from 10:00 p.m. to 6:00 a.m., and that would bring the total cost up to \$2,150.00. He added that the Public Works Department would not be involved in the cleanup, since the sanitation is being taken care of by the amusement company.

Captain Bann added that there are four additional officers on the regular shift that would be available if a situation arises.

Councilman Youngs noted that the video showed specialized living quarters. He asked how many people would be staying on-site for four days.

Mr. Riera-Gomez responded that there are thirty employees that would stay on site.

To answer Councilman Pacheco's question, Mr. Riera-Gomez explained that they arranged an on-site parking area for the trailers, motor homes and trucks, with minimal visual impact.

Councilman Pacheco asked how the carnival event would impact the golf operations.

Mr. Rhodes said that the carnival would begin at 6:00 p.m. and it normally gets dark at approximately 5:30 p.m. He said that Mr. Riera-Gomez agreed that the chance of stray golf balls would not harm any people during the day.

Dan Bradley stated that the carnival area would have no impact on the golf course operations.

Vice Mayor Caudle expressed his concern about damage to the Golf Course greens.

To answer Councilman Pacheco's question, Mr. Bradley stated that he is in favor of the carnival because it would bring people to the Golf Course facility.

Councilman Youngs asked the City Attorney for his opinion of the contract.

Attorney Seiden said that the contract is very basic, and it does not deal with anything that was mentioned by Mr. Riera-Gomez. He said that the City of Miami Springs Country Club is the contracted party, and he asked if they would receive the profits.

Mr. Rhodes said that they would only take out the funds to cover the expenses, not the profits.

Attorney Seiden assumed that Astar did not have any assets. He questioned who would provide the indemnification, and who would stand behind the indemnification should there be a problem or a catastrophic event. Attorney Seiden emphasized that the City must be protected, and the contract should spell out every detail, outlining who is responsible for what. He added that the City should also review Astar's agreement with Mid America Shows, Inc.

Attorney Seiden stated that he was not trying to make it difficult, but there are tremendous liabilities for these types of events.

Councilman Pacheco added that Mr. Rhodes mentioned sharing the ticket sale profit with local clubs, and the Children's Golf Charity, and all these terms must be spelled out for Council's consideration.

Mr. Rhodes stated that there is a time constraint, and they could not wait another two weeks to make a decision.

Mr. Riera-Gomez explained that he had been in the business for twenty-years, and the insurance policies are standard. He suggested that the City could check with Blessed Trinity Church, and that they have never had a problem. Mr. Riera-Gomez stated that the insurance policy would cover the City in the amount of \$10MM, and the contract is very clear.

To answer Councilman Youngs' question, Mr. Riera-Gomez stated that he had previously contracted with the City of North Miami, and generally they do not contract directly with the city, but they are added as an additional insured.

Mr. Borgmann asked if the carnival in North Miami was on city property.

Mr. Riera-Gomez responded that the carnival was actually on city property in North Miami Beach. He explained that he had not been asked these types of questions in twenty years.

Vice Mayor Caudle asked for more information about the Home Harmless agreement. He explained that the City would be more at risk for liability than a church, and hopefully no one would be hurt, but if something happens, the City must have a Home Harmless agreement.

Mr. Riera-Gomez assured Council that a Home Harmless clause has been added to the insurance.

The City Attorney asked who would give the Home Harmless insurance.

Mr. Riera-Gomez said that Mid America would provide the Home Harmless, and he is only the coordinator.

Attorney Seiden said that generally the Home Harmless insurance coverage is \$1MM with a \$8MM umbrella, based upon an occurrence basis.

Councilman Youngs added that he had no perspective to know if that would be enough coverage.

Attorney Seiden thought that the equipment operators must be bonded with the State of Florida.

Councilman Youngs imagined that the liability and bonding issues had been resolved. He said that he would like Council to receive the answers.

Mayor Bain asked Council whether they were inclined to approve the request, pending the additional information that the City Attorney feels is needed.

Vice Mayor Caudle said that he did not have enough information, and that he was not ready to give his approval.

Ed Rhodes stated that whatever Council decides is fine, and they were only trying to bring in extra revenue to the City of Miami Springs. He thought they had all the necessary information about the insurance.

Vice Mayor Caudle said that there is only a little more than one month before the proposed carnival, and that is a short time to make such an important decision.

Attorney Seiden asked if waiting to weeks would make an impact.

Mr. Rhodes said that two weeks would make a difference because he was already soliciting corporate sponsors. He added that the proposed dates are the only dates available for the carnival company.

City Manager James R. Borgmann said that he had many of the same concerns about the carnival, and that is why he brought the request to Council. He explained that carnival events are not typically associated with the operation of a Country Club, and the decision should be up to Council.

Councilman Pacheco stated that anything that brings the community together is a good thing, and he is not opposed to a carnival. He said that the Blessed Trinity Fair is a well-run event that has never had any incidents, it generates money, and it takes a lot of volunteers to make it work.

Mr. Riera-Gomez assured Council that he could satisfy their concerns with the liability insurance and Home Harmless indemnity, and that he never had a problem with insurance claims that exceeded the amount of insurance.

Mr. Borgmann referred to previous Saint Patrick's Day festivals that were held at the Golf Course, which consisted of food vendors, but not rides. He said that the rides require state inspections, and the company must be licensed through the State.

Councilman Pacheco asked Council if they would be willing to approve the event, subject to Attorney Seiden's satisfaction regarding the liability insurance.

Mayor Bain asked if the liability was the City Attorney's only concern.

Attorney Seiden stated that he was mostly concerned with the insurance, plus the fact that many of the duties were not detailed in the contract, like the cleanup. The contract also states that the City is responsible for licenses and permits, which should be Mid America's responsibility, there is a discrepancy regarding concessions, and all these items must be clarified.

Councilman Youngs mentioned that the carnival might be fun and bring people together, but he is afraid that it would lose money the first year, and involve a lot of City time and resources. He stated that the City is involved in the Springs River Festival, which is planned in advance. Councilman Youngs reiterated that he is worried about the numbers, and that the event might not benefit the Golf Course operations.

Councilman Youngs was worried that the food would not be calculated properly, and that the food and beverage profit is at risk. He said the Food and Beverage Managers have full-time duties, and since the proposed carnival event is short notice, the success will depend on volunteers.

To answer Councilman Youngs' question, Mr. Rhodes said that he would definitely like to hold the carnival event, because it would be successful and it could make a profit of more than \$20,000. He explained that there are many people available who are willing to help.

Councilman Youngs said that the City does not have the luxury of taking a financial risk, particularly because Council is waiting to review the first quarter financial reports for the Golf and Food and Beverage operations.

Mr. Rhodes stated that their goal for the carnival is to generate enough revenue to offset any losses for the first quarter.

To answer Councilman Youngs' question, Mr. Borgmann said that he does not object to the carnival, and he worked at the Blessed Trinity Church carnival for many years. He said that it could be a great social event for the parents and children, and the church was able to net \$45,000 to \$50,000.

Councilman Youngs asked if six weeks is enough time to promote the carnival event.

Mr. Borgmann felt that promotion should not be an issue, and the only question is how much money could be made on advance ticket sales in six weeks. He suggested that the school service clubs and sports organizations could sell the advance tickets, the City would make 30%, and the clubs could receive a portion of that amount.

Mayor Bain said that he would be inclined to approve the carnival as long as the proper legal documents are in place. He felt that it would be an upbeat event that would bring people to the Golf Course. The Mayor said that he would like to give the Rhodes Brothers the opportunity to hold the event.

Councilman Pacheco moved to approve the request, contingent upon the satisfaction of the City Attorney that the proper contract, liability and Home Harmless insurance is in place, and the Rhodes Brothers bringing back a plan in two weeks. Councilman Youngs seconded the motion.

Mayor Bain said that because of the time restriction, he would like all the contract and insurance requirements taken care of in one week's time, or else the function should be canceled.

Attorney Seiden stated that the Administration would need to contact Blessed Trinity Church to see if they have prior documentation the City could work from, and he would need a more up to date, legible copy of the insurance, and the agreement with Mid America, including the standard and Home Harmless indemnification provision.

Mr. Borgmann said that he would also like a list of other cities that held carnivals on city property so that he could call the individuals.

Vice Mayor Caudle expressed his concern about the time restraint and the many unanswered questions.

Attorney Seiden asked if the funds that are generated from the carnival event would be used to offset some potential deficiencies with the Food and Beverage operation over the last few months.

Mayor Bain stated that until Council receives the financial reports, the allocation of the funds should be left open for consideration.

Attorney Seiden said that Rhodes Brothers of Miami, Inc. is not the contracting party, it is the City of Miami Springs, and his question is where the money is going. He explained that the City Manager's suggestion was to give the service organizations the incentive to sell advance tickets, and Council must give authorization for that to happen. The City Attorney said that it is unclear how the funds would be appropriated, and whether the Rhodes Brothers would receive a portion.

Councilman Youngs asked if the Rhodes Brothers of Miami, Inc. would receive a fee for the additional management and negotiation of the contract.

Mr. Rhodes stated that the Rhodes Brothers of Miami, Inc. has a contract with the City, and the funds would be extra Food and Beverage revenue. He said that the only advantage is that he receives a 3% commission for catering sales, and his only concern is bringing revenue to the Country Club or the Children's Golf Foundation.

Councilman Youngs asked Mr. Rhodes if, in his opinion, carnival receipts qualify as catering revenue.

Mr. Rhodes responded “no”. He explained that the only extra compensation the Rhodes Brothers receive is for performing, or the commissions for catering functions.

Attorney Seiden asked if there were agreements with the vendors, and what compensation provision is included in the agreement.

Mr. Rhodes offered to talk to the committee members to find out what the normal fee is for vendors.

Councilman Youngs asked for an example of the different for profit and charitable organizations that might participate in the event.

Mr. Rhodes said that he would have to work on the vendor list, and that selling booth space is not his main concern. He stated that the main goal is to bring more people to the area, and he is figuring \$150.00 to \$200.00 per booth, with the proceeds going to the Country Club.

Councilman Pacheco said that his impression was that the Country Club would have a couple of food booths, not a lot of outside vendors.

Mr. Rhodes agreed that the Rhodes Brothers would control the food with the exception of sausages, cotton candy, popcorn, etc. He said that they would provide hamburgers, hotdogs, and beverages.

The City Attorney mentioned that the biggest question that needed to be answered is whether there would be alcoholic beverages sold, who would sell the beverages, and whether they are licensed.

Mr. Rhodes said that the Rhodes Brothers would be responsible for the sale of alcoholic beverages, and that they are licensed.

Mayor Bain was of the opinion that the sale of alcoholic beverages should take place inside the Country Club or outside on the patio, which would allow some control. He felt that it would be difficult for Council to work out all the details at this meeting, and asked if the questions could be answered within the next two weeks.

Attorney Seiden felt that the success of the carnival would depend on working out the details within the next day or two.

Councilman Pacheco said that Council could work out the details with the Rhodes Brothers as far as vendors, booths and alcoholic beverages, but the contract with the amusement company should be in place.

Mr. Borgmann explained that his major concern was whether Council wanted to hold a carnival on the Golf Course property, and he was sure that the Administration could work out all the details.

On roll call vote, the motion carried 3-1 with Vice Mayor Caudle casting the dissenting vote.

Councilman Youngs stated that the success is in the hands of the Rhodes Brothers, and he would be amazed if they could pull off the event in such a short time frame.

13. Reports & Recommendations:

13A) City Attorney

No report.

13B) City Manager

Canal Streetscape Improvements

City Manager James R. Borgmann reported that the Canal Street Streetscape improvements are approximately ten days away from substantial completion, and that there was a three-day delay because the wrong pavers were delivered.

Fiscal Year 2002/2003 Audit

City Manager James R. Borgmann announced that the City's auditors have started working on the Fiscal Year 2002/2003 audit.

Martin Luther King, Jr. Day Holiday

City Manager James R. Borgmann reminded everyone that City Hall would be closed on Monday, January 19, 2004, in observance of the Martin Luther King, Jr. Day holiday.

Drowning Victim

City Manager James R. Borgmann reported that the drowning victim that was found in the canal in December 2003 was identified as a Latin male who lived in an adult assisted living facility in the City of Hialeah.

Palmetto Drive Barricades

City Manager James R. Borgmann notified the public, in response to a letter that he received protesting the removal of the barricades, that the City has no plans to remove the barricades on Palmetto Drive.

Bridge and Culvert Renovations

City Manager James R. Borgmann reported that he met with the Department of Environmental Resources Management (DERM) regarding the continuation of paving and replacement of the bridges and culverts in the Melrose Canal area at Hammond Drive. He referred to the Golf Course bridge renovations, which might not be fully funded by FEMA, and he said that he would obtain price quotations for this work.

Golf Course Financials

City Manager James R. Borgmann advised Council that the Golf Course financial report for the first quarter would be available at the January 26, 2004 Council meeting.

13C) City Council

Annexation

Councilman Youngs reported that he encountered a problem that must be addressed regarding annexation, and it has to do with the task that Council asked him to do. He explained that now that the boundaries and the bulk of the economic analysis are in place, he wanted to approach the other cities, and that he had been trying to contact them since mid-December.

Councilman Youngs said that Mayor Jack Morrow of Medley refused to speak with him, saying that he would only negotiate with Mayor Bain. He added that Mayor Morrow said that he had been negotiating or talking with the Mayor, there is a Mayor's Meeting coming up next week, and since he cannot deal with two people from the same city, he is going to bring up annexation at the next Mayor's Conference, and so that's the voice mail on my message.

Councilman Youngs asked Mayor Bain to speak with Mayor Morrow to ask him if he would negotiate with him as the Council Liaison, or whether there is some change that Council wanted to make.

Mayor Bain said that he had not been negotiating with Mayor Morrow. He explained that he talked to him once, he wants to have another meeting with the four Mayors, and he is trying to set up the meeting with the help of the Mayor of Doral. He added that he had not talked to any of the Mayors on any kind of a basis.

Councilman Youngs explained that Mayor Morrow was under the impression that the topic of the meeting was going to be annexation.

Mayor Bain agreed the meeting topic would be annexation, and said that he did not have any discussions with the other Mayors, except for telephone conversations during the holidays, and they expressed that they would like to meet again.

Councilman Youngs asked for Council to reaffirm his position as the Liaison to the other cities for the issue

of annexation, and for Mayor Bain to call Mayor Morrow to let him know, because Mayor Bermudez has written a number of articles saying that when the Mayors get together, they will talk about annexation. He said there were a couple of articles that included comments that Miami Springs thinks they might be a more worthy recipient because their residential to commercial ratio is 97%, but Mayor Bain said that everything is negotiable.

Councilman Youngs said that, in his opinion, Council needed to clarify to Mayor Deno, Mayor Morrow, and Mayor Bermudez who they should speak to as one voice. He said that they might not be clear on this matter because it is a natural thing to have the Mayor involved in the negotiations if that is the way they set it up, but Council designated him to be the Liaison.

Mayor Bain indicated that he wished to meet with the other Mayors to hear what they express, and to see how the meeting goes. He offered to come back with a report at the next meeting.

Councilman Youngs asked Mayor Bain if he intended to discuss annexation with the other Mayors.

Mayor Bain responded “yes”, saying that he wanted to hear their situation and see what their concerns are about the negotiations with Councilman Youngs, and with the City of Miami Springs.

Councilman Youngs asked the Mayor if that would or would not be negotiating.

Mayor Bain asked Councilman Youngs what he was talking about because he did not understand. He said that the Mayors would sit down and talk, and that they wanted to bring the City Attorneys into the meeting.

Councilman Youngs questioned the fact that the Mayors wanted to bring the City Attorneys into the Mayor’s meeting, and Mayor Bain responded “yes”.

Councilman Pacheco mentioned that he knows Mayor Bermudez is a very sharp person, and the old cliché is “divide and conquer”. He said that he would be apprehensive because Councilman Youngs was appointed as the Liaison, and at these meetings, the other Mayors might try to have Mayor Bain commit or say certain things.

Mayor Bain said that he could not commit because he was only one vote on Council, and the only thing he could do is report information.

Councilman Pacheco agreed that was understandable.

The Mayor said that if Council did not want him to have the meeting, that would be fine, and if Council votes that they do not want him to talk to the other Mayors, that would be fine also. He explained that he talked to them once before, and it is somewhat of a mandate by the County for the Mayors to talk to each other. Mayor Bain told Council that if they did not have the faith in him to talk, then he would not do so.

Councilman Youngs explained to the Mayor that it is not a matter of faith, and he was not aware of a County mandate for the Mayors to talk to each other.

Mayor Bain said that maybe he was using the wrong word, but that the County wants the Mayors to meet and try to solve the problems.

Councilman Youngs said that the Mayor spoke with Commissioner Rebeca Sosa, and that he had spoken with her as well.

The Mayor explained that he had not spoken with Rebeca Sosa.

Councilman Youngs interjected that the Mayor spoke with Rebeca Sosa in April 2003.

Mayor Bain said that it has been a long time ago.

Councilman Youngs explained that they also spoke with Commissioner Pepe Diaz last week, and the County is urging the cities to get together to work out the boundary disputes, decide which of the areas would be annexed by each city, and to make an agreement.

Councilman Youngs said that he is unable to be the Liaison or represent the City of Miami Springs if Mayor Jack Morrow refuses to talk with him because he is negotiating with Mayor Bain at the Mayor's meetings, so Council must decide.

Mayor Bain clarified that only one meeting was held.

Councilman Youngs commented that the upcoming meeting would be the second meeting.

Mayor Bain responded "right", but it might not happen after tonight.

Councilman Youngs reiterated that the articles written by Mayor Bermudez are working against the City of Miami Springs because the articles said that the Mayors spoke with the Mayor of Miami Springs, and he said that everything is negotiable, and they would have the meetings. He explained that Mayor Bermudez is of the impression, and has put it in writing that Mayor Bain is able to represent the City of Miami Springs, and put out a position at the Mayor's meetings, upon which he can rely.

Mayor Bain thought that Councilman Youngs, as the Liaison, had put out positions as an individual.

Councilman Youngs stated that he had not put out a position to any of the cities because he had not met face-to-face with any of the city representatives.

Mayor Bain explained that he had not put out any positions regarding annexation, and that he was only talking. He said that if Council felt that it was improper for him to meet with the other Mayors, then that would be fine with him.

The Mayor added that no one has explained to him what is going on with annexation, he has not seen any reports as to where the City stands as far as negotiations with each individual person, and evidently Mayor Jack Morrow is upset about negotiating with Councilman Youngs. The Mayor asked Council what they wanted him to do, and whether or not they wanted him to meet with the other Mayors.

Councilman Youngs stated that in the best interest of Miami Springs, it is the classic technique, and he is afraid that the other cities have used it to the disadvantage of Miami Springs, because when dealing with two people, they would invariably play one off against the other, and the intention from the beginning was to speak with one voice, and this should be paramount, whichever person is that voice.

Councilman Youngs stated that Mayor Bermudez said in his e-mail to him that he is willing to meet with him, but it is not necessary to have the City Manager or City Attorney present, and one day later Mayor Jack Morrow said there was no need to talk with him, because he could not talk to two people, and that annexation would be discussed at the next Mayor's meeting.

Councilman Youngs emphasized that Council has to speak with one voice, this is his concern, and the best advantage for Miami Springs would not be achieved unless they speak with one voice, whichever it is, on annexation.

To answer Vice Mayor Caudle's question, Councilman Youngs stated that he met with Doral Mayor J. C. Bermudez in September 2003, and expressly told him that the City would not be ready to negotiate until the annexation application was ready to be filed. When he called Mayor Bermudez back it was on December 10, 2003, after the application was filed, and he advised him that the City was ready to negotiate. He clarified that he had not negotiated or done any positioning with the other cities.

Vice Mayor Caudle said that from his experience with negotiations, no one individual should negotiate with anyone anyway, back up is needed, and he thought the group consisted of Councilman Youngs, the City Attorney, the City Manager, and the City Planner.

Councilman Youngs advised Vice Mayor Caudle that consultant Joe Corradino was the fourth person, not the City Planner.

Councilman Youngs said that at the meetings with Commissioners Rebeca Sosa and Pepe Diaz, there were always two or three members of that group, and the plan, as stated at the December 8, 2003 meeting, was to approach each of the cities and meet to try to work out their concerns. As an example, Doral has stated publicly that they are concerned about the waste facility in one of the sections, but privately there are discussions that Doral concedes that they do not need additional land for dollars and cents, but Miami

Springs does.

Councilman Youngs explained that Mayor Spencer Deno told him that now Doral has decided that they have backed up their position to one degree or another, and he has not been able to get them to sit down with Miami Springs. He said that it is already working to Miami Springs' disadvantage, that the City is not in face-to-face situation with one definitive voice as to what the position is going to be.

Councilman Youngs said that the strategy of having the Consultant, the City Manager, and the City Attorney and himself meeting with the other cities was that they would have some positions to come back with, and Council would discuss the positions before they are approved.

Councilman Youngs asked for clarification as to what Council wanted him to do because it seems that Mayor Jack Morrow is not going to talk to him, Mayor J. C. Bermudez said that it is not necessary to bring the City Attorney or City Manager, and he is planning to have a meeting with the Mayors.

Vice Mayor Caudle did not think that the other cities should dictate what Miami Springs does, and if they want to talk, so be it. He said that it would be nice if everyone would sit down and talk and be civilized.

City Manager James R. Borgmann said that it is a "Catch 22" situation because the City has been instructed by the County that they want the four cities to meet, negotiate, agree, and bring back a plan that all four cities could agree upon.

Mr. Borgmann stated that the City of Miami Springs was criticized for jumping the gun and for filing the application before sitting down to talk with anybody. He said that Miami Springs was basically put in a self-defense position by Virginia Gardens filing an application, which included four of the five parcels that the City was considering.

Mr. Borgmann explained that the press made Miami Springs look like the "bad guy", but the City was only gathering data to determine what is in the best interest of the City from a financial standpoint, and they planned to proceed with negotiating with the other cities to work out an agreement as Commissioner Pepe Diaz had instructed. He said that Commissioner Diaz basically told the City in five different ways, that it is imperative for all four cities to come back hand-in-hand with an agreement.

Attorney Seiden agreed that the City Manager was absolutely correct.

Councilman Youngs said that the question must be answered as to whether Council wants the Mayor to be the Liaison, or whether they want to continue with the way they are going now. He explained that if Council decides to continue the same way, then they must take action to instruct the other cities regarding annexation.

Mayor Bain emphasized that no matter what happens, there must be communication, and the proposed meeting had not been set because he did not receive a call back. He said that he would sit down with the

City Attorney in order to be prepared, and that he would see what he could do about the situation with Councilman Youngs, and whether the other Mayors want him to be part of the process. If not, the City will carry through, and he would do whatever is needed to work through the annexation process.

Councilman Youngs asked the Mayor what he would do, or what he would say if they asked him to agree that Miami Springs would be east of the Palmetto and north of 58th Street.

Mayor Bain responded that he could not say anything, and that he could only listen and report back to Council. He said that he reported back to the City Attorney after the first meeting.

Councilman Youngs suggested postponing the Mayor's meeting. He stated that if the main topic of the meeting is annexation, that it would be a very short meeting because Mayor Bain would say that he is not negotiating, and that would be the end of his participation in the meeting.

Mayor Bain stated that if this is what Council proposes, that it would be fine with him.

Councilman Pacheco asked who is negotiating for the other cities, and Councilman Youngs responded that the representatives are the Mayors and City Attorneys.

Councilman Pacheco stated that when the annexation process first began, discussions were held and Mayor Bain said that he would prefer not to be involved.

Mayor Bain said that it seems that he is being pushed into participating in the process.

Councilman Pacheco explained that consequently, Council made a decision to appoint Councilman Youngs as the Liaison, to be the spokesperson for the City of Miami Springs, and to go forward with the necessary steps and report back to Council. He suggested that Council should stress to the other Mayors the fact that Councilman Youngs was selected as the Liaison, and when they have the meetings, he is the person, along with the City Attorney that sits down to talk about annexation.

Councilman Pacheco said that the other Mayors might not understand, because they are the liaisons for their cities in their annexation process, but the Miami Springs City Council chose Councilman Youngs to be the Liaison. He felt that Council should emphasize the fact that Councilman Youngs is the Liaison, and he is the one that would attend the Mayor's meetings, and report back to Council, along with the City Attorney and City Manager.

City Attorney Jan K. Seiden added that the group had met a number of times, and one of the determinations that was made was that there would be better results dealing with the cities one-on-one, rather than all together. He explained that being together is not necessarily a good thing because each city has a vested interest in what they want, and having them all in the same room is not appropriate. Attorney Seiden said

that there would come a time to meet together, but the initial discussions have been to set individual meetings first to determine certain strategies.

Attorney Seiden reiterated that negotiations with four separate parties that are all looking for somewhat the same thing is not the most efficient way to proceed, and they tried to set up individual meetings in order to lay the groundwork. He said the meeting with Commissioner Diaz was unequivocal, they were told to meet with each city to achieve a consensus, and the meetings should be held on an individual basis first.

Mayor Bain asked Councilman Youngs and the City Attorney for a presentation to inform him where they stand in regard to annexation, so that he knows where he stands as part of the team effort. He said that he had been asking the City Attorney since last April to sit down with him to fill him in on annexation. The Mayor said that the other Council members, besides Councilman Youngs, should have an opinion of what Commissioner Sosa and Commissioner Diaz said at the meetings, and perhaps Council might have a different opinion or understanding of how to proceed.

Mayor Bain felt that it was a shame, and that he has publicly stated, that he feels like he has not been versed of what is going on with annexation.

Attorney Seiden stated that one of the problems was that the City did not have a City Manager who would normally do this, and the City only recently received the numbers from the Consultant and arrived at the point that allowed them to form a strategy, and now City Manager Borgmann can inform everyone.

Mayor Bain said that he came back after meeting with the other Mayors and expressed to Attorney Seiden what the other Mayors felt would be applicable in order for all the cities to get along together, and because he cannot speak with the other Council members, he is not sure if they were provided the information that he set forth.

Mayor Bain stated that there might be a difference of opinion as to what is going on, and it is very unfair to make statements when there are three other Council members, and four when Councilman Elza is present, and they are not privy to the information. He said that the information could be included in a public memorandum, or however it is supposed to be done, and he has not received anything.

Councilman Youngs explained there is not really anything to say, and it is a fostering misconception that is pretty silly. He said that the Annexation Task Force meets every week, and as soon as they realized they were having a problem with the F.E.C. Railroad, they held a meeting regarding this matter. He added that when they had a problem with the boundary and the contiguity definition they discussed this matter at a meeting, and then they looked at numbers.

Councilman Youngs said that they spoke with the Mayor privately, and informed him that they were doing a study on the Abraham Tract.

Mayor Bain stated that he requested the study of the Abraham Tract.

Councilman Youngs said that they were looking into the Abraham Tract approximately three weeks before the Mayor asked for it. He said that they are trying to determine for each subsection of the land, what is the cost benefit analysis for that particular section, and what would be the tax surplus, so they would know when another city wants to take out a particular section of land, how much it would cost in terms of possible tax surplus. He explained that some of the numbers came in since December 8, 2003, when he reported exactly where the City stands with annexation, and what would be done from that point forward.

Councilman Youngs said that he explained to the Mayor that the Chief of Police was asked to do a grid by grid analysis of the cost of police services, they were looking at the Abraham Tract, and that they were taking the numbers from PMG, and breaking those out in various possible scenarios that he, the City Manager, and City Attorney reviewed. Councilman Youngs did not understand what information the Mayor was missing.

Councilman Pacheco stated that he had not been informed any differently than the Mayor, he listened to the reports at the Council meetings, and his only question is what happened since December 8, 2003. Councilman Youngs explained that he contacted the Mayor of Doral on December 10, 2003, and he left a message with Richard Block for the Village of Virginia Gardens. He added that Attorney Seiden was trying to contact the Medley City Attorney, and the contacts began as far back as December 10, 2003.

Councilman Youngs mentioned that they promised to talk with Commissioner Pepe Diaz, and he was not available due to the holidays, and the earliest possible meeting with him was on Monday, January 5, 2004. He explained that since December 8, 2003, not a great deal had been done at all.

Councilman Youngs stated that he planned to report tonight on the meeting with Commissioner Diaz, and to provide a status report, and he is keeping Council up to date on everything.

Councilman Pacheco stated that he was comfortable with Council proceeding as they originally intended, which was for Councilman Youngs to be the Liaison that keeps Council informed, and to provide any new information.

Councilman Youngs asked Council if they were planning to send Mayor Bain to the Mayor's meeting regarding annexation, or if they planned to have Mayor Bain call Mayor Jack Morrow to explain that the person to negotiate annexation is either Mayor Bain or himself. He asked for direction on how to proceed.

Councilman Pacheco wanted to continue with the original decision that Council made to appoint Councilman Youngs as the Liaison that would meet with the other Mayors, and if they would not meet with him, that would be their problem. He told Councilman Youngs that he was the official Liaison.

Councilman Youngs explained that he could not meet with the other Mayors unless Mayor Bain called Mayor Jack Morrow and Mayor J. C. Bermudez to notify them that he is the Liaison. He asked the Mayor

if he was willing to do this.

Mayor Bain agreed to call the other Mayors, but he would like to say that right now there is a situation where there are three municipalities that are pretty much in agreement, and one is “throwing the hook”.

Councilman Youngs asked the Mayor who was “throwing the hook”, and the Mayor responded that he thinks it is the City of Miami Springs, because the City might be going into areas that are not our concern.

Councilman Youngs asked if the Mayor was talking about the land west of the Palmetto.

Mayor Bain said that the three municipalities are pretty much in line, and it is a strong point for them to present to the County Commission, and they can all agree to the point that Miami Springs would not even be involved.

Councilman Youngs said that if Virginia Gardens annexes the area south of N. W. 58th Street, Miami Springs would receive land east of the Palmetto Expressway, which is mostly the FEC tract and the Metro-rail maintenance yard, both of which are non-taxable.

Mayor Bain reiterated that Doral, Virginia Gardens, and Medley are in agreement, and he knew this from the discussion during the first meeting.

Councilman Youngs asked the Mayor who is looking out for the interests of Miami Springs.

Mayor Bain responded that the entire Council is looking out for the interests of Miami Springs.

Councilman Youngs stated that Mayor Bain should be aware of the fact that when he says the three Mayors are in agreement, the substance is that Virginia Gardens would annex the land south of N. W. 58th Street, Medley and Doral would have the land available west of the Palmetto, and the reality is that Miami Springs would end up with only one section, east of the Palmetto, which is mostly non-taxable land.

Mayor Bain emphasized that there is no agreement, and that he was only expressing the feelings of the other three Mayors.

Councilman Youngs asked Mayor Bain if the feelings of the other Mayors were acceptable to him.

Mayor Bain said that he showed the City Attorney the entire situation on the map. He added that nothing is acceptable to him, and it must be acceptable to Council and the community.

Councilman Pacheco stated that Council made a commitment to the residents to seriously consider annexation, and Miami Springs is not in a position to include or exclude certain lands because the figures are not final. He said that the annexation application was submitted on a very broad scope, and Council assured the residents that they would carefully research the figures to make sure annexation is feasible, and

then make a final decision at a later date, as to how to proceed.

Councilman Youngs mentioned the numbers, and Mayor Bain said that it would not be fair to discuss the numbers because he did not have that information.

Councilman Youngs agreed that it is not fair for the Mayor to discuss annexation, because the figures reveal that there is no economic justification for Doral or Medley to acquire any more commercial land. He said that to say publicly that everything is on the table, and everyone is in agreement, would be negotiating against Miami Springs, and that Council should not be having these discussions.

Mayor Bain responded that he was trying to end the discussion.

Councilman Youngs said that the Mayor intended to go to a Mayor's meeting on annexation to say a few things.

Mayor Bain asked what it was that Councilman Youngs wanted him to do. He agreed not to attend the meeting, and to let Councilman Youngs handle the matter as the Liaison. The Mayor added that he would instruct the Mayors that they should talk to Councilman Youngs, and that he could handle the matter.

Mayor Bain reiterated that it is not fair that the entire Council does not have the numbers. He said that it is not fair for Councilman Youngs to tell him that this is the way it goes.

Councilman Youngs responded that it is not fair, it is not designed to be fair, and if there were no Government in the Sunshine Law, there could be a private meeting to discuss all the numbers, and prepare the negotiating strategies. He said that when discussing strategies, there are various options, and public discussions would reveal the City's strategy to anyone who might be working against the City's interest, and every piece of land that Virginia Gardens might annex, works to their advantage and the City's disadvantage. He explained that Doral and Medley do not have public discussions.

Mayor Bain said that he read in the newspaper that Medley held a public meeting about annexation, and the article was thorough as to what they talked about.

Councilman Youngs responded that his point is that it is not fair, and that is why Council designated one Liaison.

Mayor Bain asked what would happen if the City's Liaison could not make contact with the other people to negotiate.

Councilman Youngs reiterated that Mayor Bain could help the Liaison by not going to a meeting regarding annexation, and by calling the other Mayors to tell them to negotiate with the Liaison.

Mayor Bain agreed to do this for Councilman Youngs.

Miami Springs Special Kids Golf Course

Mayor Bain thanked the students and teachers from Miami Springs Senior High School for attending the kick-off of the Miami Springs Special Kids Golf Course.

River Cities Pelican Playhouse

Mayor Bain announced that there is still time for everyone to attend the River Cities Pelican Playhouse on January 16, 17, 18, 2004.

Little League Registration

Mayor Bain reported that the registration for Little League Baseball began on December 8, 2003, and this year's slogan is "Get Into the Game". He urged everyone that is interested to register now.

14. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:12 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 1/26/2004.

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.